

1.0 INTRODUCTION

This Final Environmental Impact Report for the Oroville Facilities Relicensing (FEIR) consists of the Draft Environmental Impact Report (DEIR) dated May 21, 2007, plus errata and revisions included herein as Chapter 2.0, written comments received by the California Department of Water Resources (DWR) on the DEIR, and DWR's responses to those comments.

Since the DEIR release, actions contained within the Draft Terrestrial Biological Assessment have been finalized by the U.S. Fish and Wildlife Service (USFWS) into a Biological Opinion. Additionally, the Draft Historic Properties Management Plan (HPMP) has been revised in response to comments from the Tribes. Also, the Draft Habitat Expansion Agreement discussed in Chapter 5 of the DEIR was finalized and signed by Pacific Gas & Electric Company as well as the applicable signatories to the Settlement Agreement (SA), including the National Marine Fisheries Service (NMFS), USFWS, and the California Department of Fish and Game (DFG). No changes to these documents resulted in any changes to environmental effects as analyzed in the DEIR.

1.1 PUBLIC REVIEW PROCESS

The public comment period for the DEIR began May 21, 2007, with an announcement of the availability of the DEIR, and ended August 20, 2007. The DEIR and a Notice of Completion were provided to the State Clearinghouse for distribution to interested State agencies. A Notice of Availability was filed in Butte County and published in the *Oroville Mercury Register*, the *Chico Enterprise Record*, and the *Paradise Post*.

A public hearing was held in Oroville June 21, 2007, to accept verbal and written comments. The public comment period was extended at the request of Butte County for an additional 30 days beyond the initial comment due date of July 20, 2007, closing on August 20, 2007.

The DEIR was made available online at DWR's Oroville Relicensing website (www.orovillerelicensing.water.ca.gov) and at libraries in Butte and Sacramento Counties. Over 900 notice letters were sent to interested stakeholders and approximately 230 copies of the document on CD were distributed. Additionally, 67 hard copies of the DEIR were distributed. Over 50 comment letters and over 1,000 copies of one form letter were received during the public comment period. These comments were considered and responded to during preparation of this FEIR. Responses to these comments are presented in this FEIR.

The DWR received comments on the DEIR by mail, fax, e-mail, and through a transcript of comments made at the public hearing.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE STEPS

To certify the FEIR, DWR, as the lead agency, must find that the FEIR has been completed in compliance with the California Environmental Quality Act (CEQA). Under

the programmatic approach for preparation of the FEIR, additional technical analyses and environmental compliance will be necessary prior to implementation of some of the future actions. Additional mitigation monitoring and reporting programs related to future implementation would be developed as part of future project-level environmental documentation.

1.3 RESPONSES TO COMMENTS

CEQA requires lead agencies to evaluate comments on environmental issues received from persons who reviewed the DEIR and to prepare a written response. The FEIR contains responses to comments from agencies, recognized interest groups, and individuals. When there has been significant public comment, CEQA allows the lead agency to summarize or consolidate similar comments, as long as all substantive issues are represented. Chapter 3.0 of this FEIR contains several master responses that address similar comments received on specific topics such as climate change, rice yields, and socioeconomics. There were substantial numbers of comment letters that contained similar, if not identical, comments. Responses to these similar comments are provided once, and all of the sources of the comments are provided along with a copy of the representative comment letter.

1.4 FINAL ENVIRONMENTAL IMPACT REPORT ORGANIZATION

In addition to the DEIR, which is incorporated herein by reference, this FEIR also includes the following chapters:

- **Chapter 1.0, Introduction**—This chapter introduces methods used in obtaining and reviewing comments on the DEIR and contains a discussion of compliance with CEQA.
- **Chapter 2.0, Errata—Edits to the DEIR**—This chapter presents errata and revisions to the DEIR.
- **Chapter 3.0, Master Responses**—This chapter presents master responses to issues that were raised by multiple commenters.
- **Chapter 4.0, State Agency Comments and Responses**—This chapter presents comments from State agencies and responses to these comments.
- **Chapter 5.0, Regional and Local Agency Comments and Responses**—This chapter presents comments from the interested regional and local agencies and responses to these comments.
- **Chapter 6.0, Non-Governmental Organization and Local Special Interest Group Comments and Responses**—This chapter presents comments from non-governmental organizations and local special interest groups and responses to these comments.

- **Chapter 7.0, Public Comments and Responses**—This chapter presents comments from interested members of the public, including a form letter submitted by numerous commenters, and responses to these comments.
- **Appendix A**—This appendix includes supplemental information provided as attachments by commenters to the DEIR, including form letters received. This supplemental information does not contain comments specific to the DEIR, but is provided for informational purposes.
- **Appendix B**—This appendix includes correspondence to DWR, the State Water Resources Control Board, and the Federal Energy Regulatory Commission (FERC) from the office representing the Butte Water District, Sutter Extension Water District, Biggs-West Gridley Water District, Richvale Irrigation District, and Western Canal Water District and is provided for informational purposes.
- **Appendix C**—This appendix includes the “Amendment to Agreements on Diversion of Water from the Feather River and Settlement of Issues Related to the Temperature of Water Diversions” and is provided for informational purposes.

1.5 CEQA SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROPOSED PROJECT AND FERC STAFF ALTERNATIVE

This section (reproduced from Section 5.16 of the DEIR) presents the results of the impact analysis for the Proposed Project and the FERC Staff Alternative in tabular format by SA articles (SA Appendix A) and sections (SA Appendix B) and identifies when mitigation measures would be used to reduce impacts to less-than-significant levels. Table 1.5-1, which begins on page 1-5 (and is identical to Table 5.16-1 in the DEIR), identifies beneficial effects as well as adverse impacts.

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| Table 1.5-1. CEQA summary of impacts and mitigation measures for the Proposed Project and FERC Staff Alternative. | | | | | | | | | | | | | | | | | | | | | |
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| Article # | Article Title | Environmental Topics | | | | | | | | | | | | | | | | | | | |
| | | Level of CEQA Analysis - Project-level, Programmatic Level, or No Analysis at this time | 5.1 Geology, Soils, and Paleontological Resources | 5.2.1 Surface Water Quantity | 5.2.2 Surface Water Quality | 5.3 Groundwater Quality/Quantity | 5.4 Aquatic Resources | 5.5.1 Terrestrial Resources - Wildlife | 5.5.2 Terrestrial Resources - Botanical | 5.6 Land Use | 5.7 Recreation | 5.8 Cultural Resources | 5.9.1 Population and Housing | 5.9.2 Public Services | 5.10 Environmental Justice | 5.11.1 Visual Resources | 5.11.2 Noise | 5.12 Air Quality | 5.13 Agricultural Resources | 5.14 Transportation and Traffic | 5.15 Public Health and Safety |
| APPENDIX A | | | | | | | | | | | | | | | | | | | | | |
| A102 | Gravel Supplementation and Improvement Program (Also see B105) | Programmatic with some Project elements | B | NI | B/LTS | NI | B/LTS | LTS/LTSM | B/LTS | NI | B | LTS | LTS | LTS | NI | B/LTS | LTSM | LTSM | NA | LTS | LTSM |
| A102 - FERC EIS | Gravel Supplementation and Improvement Program | Programmatic with some Project elements | B | NI | B/LTS | NI | B/LTS | LTS/LTSM | B/LTSM | NI | B | LTS | LTS | LTS | NI | B/LTS | LTSM | LTSM | NA | LTS | LTSM |
| A102 - Mitigation Measures | Gravel Supplementation and Improvement Program | | | | | | | During construction activities, avoid wildlife nursery areas during critical nesting periods. | Implement invasive species management and revegetate with appropriate native species. Stockpile soil if avoidance is not possible. Avoid ground-disturbing activities whenever possible, lessen areas of disturbance during project construction, and revegetate disturbed area with native species. Stockpile soil for reuse in areas of special resources to reinoculate the soils and seed bank. | | | | | | | If using heavy construction equipment closer than 75 feet to residences, campgrounds, or similar recreation or noise-sensitive areas, the construction manager would either (a) arrange for all persons who would otherwise be within 75 feet of the work area to be moved to a farther distance or prevented from camping or recreating within the 75-foot limit, or, if not feasible, (b) erect temporary barriers of wood, noise abatement blankets, or similar material between the work area and the receptors. The barriers should be at least 8 feet high and solid from the ground to the top, and made of material that would reduce noise through the barrier (transmission loss) by at least 20 dBA. Plywood one-half inch thick would meet this requirement. Require construction contractors to limit noise-generating construction activities to the hours of 7 a.m. to 8 p.m., Monday through Friday, with no noise-generating activities on Saturdays, Sundays, or legal holidays. However, this restriction would not be applicable if it would result in operational impacts on the | Persons performing grading, excavation, or similar dust-generating activities shall take every reasonable precaution not to cause or allow the emissions of fugitive dust to be airborne into areas occupied by residents or persons visiting the areas adjacent to the work site. | | | DWR would incorporate into program implementation on-site handling rules to keep hazardous materials out of the soil and receiving waters. The rules could include measures to: Store all reserve fuel supplies only within the confines of a designated staging area; Refuel equipment only in designated areas within the staging area; Regularly inspect all vehicles for leaks; Require preparation of a Spill Prevention, Control, and Countermeasure Plan; and Require that staging areas be designed to contain contaminants such as oil, grease, and fuel products so that they do not drain toward receiving waters or storm drain inlets. | |

| Table 1.5-1. CEQA summary of impacts and mitigation measures for the Proposed Project and FERC Staff Alternative. | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|------------------------------|-----------------------------|----------------------------------|-----------------------|--|---|--------------|----------------|------------------------|------------------------------|-----------------------|----------------------------|--|---------------------------------------|---------------------------------------|-----------------------------|---------------------------------|-------------------------------|
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| | | Level of CEQA Analysis - Project-level, Programmatic Level, or No Analysis at this time | 5.1 Geology, Soils, and Paleontological Resources | 5.2.1 Surface Water Quantity | 5.2.2 Surface Water Quality | 5.3 Groundwater Quality/Quantity | 5.4 Aquatic Resources | 5.5.1 Terrestrial Resources - Wildlife | 5.5.2 Terrestrial Resources - Botanical | 5.6 Land Use | 5.7 Recreation | 5.8 Cultural Resources | 5.9.1 Population and Housing | 5.9.2 Public Services | 5.10 Environmental Justice | 5.11.1 Visual Resources | 5.11.2 Noise | 5.12 Air Quality | 5.13 Agricultural Resources | 5.14 Transportation and Traffic | 5.15 Public Health and Safety |
| | | | | | | | | | | | | | | | | Oroville Facilities or prevent activities to mitigate adverse conditions such as response to emergencies or other unforeseen situations. | | | | | |
| A103 | Channel Improvement Program (This action is programmatic; however, Moe's and Hatchery Ditch activities are project-level) | Programmatic with some Project elements | NA | NI | B/LTS | NI | B/LTS | LTS/LTSM | B/LTS/LTSM | NI | B/LTS | LTS | LTS | LTS | NI | B | LTS/LTSM | LTS/LTSM | NA | LTS | NA |
| A103 Mitigation Measures | Channel Improvement Program (This action is programmatic; however, Moe's and Hatchery Ditch activities are project-level) | | | | | | | Spatial and/or temporal avoidance | For work related to the Feather River Improvement Program, use measures such as fencing to prevent access/ disturbance into adjacent wetland/sensitive areas from construction/maintenance vehicles. Use erosion control and stabilization devices to prevent sediment from entering wetland and riparian habitats. Wetland/sensitive areas that cannot be avoided will be revegetated with appropriate native species. Use appropriate native species when revegetating adjacent wetland/riparian areas. | | | | | | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | |

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| A104 | Structural Habitat Supplementation and Improvement Program (SHSI) | Programmatic | B | NI | B/LTS | NI | B/LTS | LTS/LTSM | B/LTS/LTSM | NI | B/L TS | LTS | LTS | LTS | NI | B | LTSM | LTSM | NA | LTS | LTSM |
| A104 Mitigation Measures | Structural Habitat Supplementation and Improvement Program (SHSI) | | | | | | | Retain screening vegetation to limit indirect habitat loss and wildlife disruption/displacement. Retain key wildlife habitat elements to the extent possible including snags, woody dead and down material, live trees containing cavities, and shrub cover. Retain mature trees and minimize use of non-native landscaping. Minimize recreational development in riparian or wetland habitats. Revegetate areas of disturbed soil. | Same mitigation as described for A103 | | | | LTS | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | Same mitigation as described for A102 | |
| A105 | Fish Weir Program | Programmatic | NI | NI | B/LTS | NI | B | LTS/LTSM | B/LTS/LTSM | NI | LTS | LTS | LTS | LTS | NI | LTS | LTSM | LTSM | NA | LTS | NA |
| A105 Mitigation Measures | Fish Weir Program | | | | | | | Modify weir design and operation to allow turtles passage without allowing salmon passage. Allow shoreline/shallow-water passage during periods of stable flow. | Same mitigation as described for A102 | | | | | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | | |
| A106 | Riparian and Floodplain Improvement Program | Programmatic | B | NI | B/LTS | NI | B/LTS | B | B/LTSM | NI | B/L TS | LTS | LTS | LTS | NI | NA | LTSM | LTSM | NA | LTS | LTSM |
| A106 - FERC EIS | Riparian and Floodplain Improvement Program | Programmatic | B | NI | B/LTS | NI | B/LTS | B | B/LTSM | NI | B/L TS | LTS | LTS | LTS | NI | NA | LTSM | LTSM | NA | LTS | LTSM |

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| A106 Mitigation Measures | Riparian and Floodplain Improvement Program | | | | | | | | Same mitigation as described for A103 | | | | | | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | Same mitigation as described for A102 |
| A107 | Feather River Fish Hatchery water temperature | Project (107.2) | NA | NI | B/LTS | NI | B | NA | NA | NI | LTS | NI | LTS | LTS | NI | NA | LTS | LTS | NI | LTS | NI |
| A108 | Minimum Flow and Other Measures | Project (A108.1 only); Programmatic (108.2 and 108.3 only)** | NA | NI | B/LTS | NI | B/LTS | NA | B/LTS | NI | B/LTS | NI | LTS | LTS | NI | NA | LTSM | LTS | B/LTS | LTS | LTSM |
| A108 Mitigation Measures | Minimum Flow and Other Measures | | | | | | | | | | | | | | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | Same mitigation as described for A102 |
| A110 | Lake Oroville Warm Water Fishery Habitat Improvement Program | Programmatic | NA | NI | B/LTS | NI | B | B | B/LTS | NI | B/LTS | LTS | LTS | LTS | NI | LTS | LTS/LTSM | LTS/LTSM | NA | LTS | NA |
| A110 Mitigation Measures | Lake Oroville Warm Water Fishery Habitat Improvement Program | | | | | | | | | | | | | | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | |
| A111 | Lake Oroville Cold Water Fishery Improvement Program | Programmatic | NA | NI | NA | NI | B | B | NA | NI | NA | NI | LTS | LTS | NI | NA | LTSM | LTS | NA | LTS | NA |
| A111 Mitigation Measures | Lake Oroville Cold Water Fishery Improvement Program | | | | | | | | | | | | | | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | |
| A112 | Comprehensive Water Monitoring Program | Project (all of A112 except A112[a-c]=Programmatic) | NA | NI | NA | NI | NA | NA | NI/LTS | NI | B | NI | LTS | LTS | NI | LTS | LTS | LTS | NA | LTS | NA |
| A113 | Monitoring of Bacteria Levels and Public Education | Project | NA | NI | NA | NI | NA | NA | NI | NI | B | NI | LTS | LTS | NI | NA | NI | NA | NA | LTS | NA |
| A114 | Public Education Regarding Risks of Fish Consumption | Project | NA | NI | NA | NI | NA | NA | NI | NI | B | NI | LTS | LTS | NI | NA | NI | NA | NA | LTS | NA |
| A117 | Protection of Vernal Pools | Project | NA | NI | NA | NI | NA | B | B/LTS | NI | LTS | NI | LTS | LTS | NI | LTS | NI | NA | NA | LTS | NI |

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| A118 | Minimization of Disturbances to Nesting Bald Eagles | Project | NA | NI | NA | NI | NA | B | B/LTS | NI | LTS | LTS | LTS | LTS | NI | NA | NI | NA | NA | LTS | NI |
| A119 | Protection of Giant Garter Snake | Project | NA | NI | NA | NI | NA | B | NI/B/LTS | NI | LTS | NI | LTS | LTS | NI | NA | NI | NA | NA | LTS | NI |
| A120 | Protection of Valley Elderberry Longhorn Beetle | Project | NA | NI | NA | NI | NA | B | NI/B/LTS | NI | LTS | LTS | LTS | LTS | NI | NA | NI | NA | NA | LTS | NI |
| A121 | Protection of Red-Legged Frog | Project | NA | NI | NA | NI | NA | B | NI/B/LTS | NI | LTS | NI | LTS | LTS | NI | NA | NI | NA | NA | LTS | NI |
| A122 | Construction and Recharge of Brood Ponds | Project | LTSM | NI | LTS | NI | NA | B/LTS | B/LTS | NI | B/L TS | LTS | LTS | LTS | NI | LTS | LTSM | LTSM | NA | LTS | NI |
| A122 Mitigation Measures | Construction and Recharge of Brood Ponds | | Screen for presence of fossils; If avoidance is not possible, have plans in place for the recovery/preservation of any fossils encountered. | | | | | | | | | | | | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | |
| A123 | Provision of Upland Food for Nesting Waterfowl | Project | NA | NI | NA | NI | NA | B | B/LTS | NI | B | NI | LTS | LTS | NI | NA | NI | NA | NA | LTS | NI |
| A124 | Provision of Nest Cover for Upland Waterfowl | Project | NA | NI | NA | NI | NA | B | B/LTS | NI | B | NI | LTS | LTS | NI | NA | NI | NA | NA | LTS | NI |
| A125 | Installation of Wildlife Nesting Boxes | Project | NA | NI | NI | NI | NA | B | NA | NI | B | NI | LTS | LTS | NI | LTS | NI | NA | NA | LTS | NI |
| A127 | Recreation Management Plan | Programmatic with some Project elements | LTSM | NI | LTS | NI | NA | LTSM | LTSM | NI | B/L TS | LTS | LTS | LTS | B | LTS | B/LTSM | LTS/LTSM | NA | B/LTS | LTSM |
| A127 Mitigation Measures | Recreation Management Plan | | Perform geologic investigation for facilities proposed in the Bidwell Marina area. | | | | | Same Mitigation as described for A104 | Retain key wildlife habitat elements to the extent possible including snags, woody dead and down material, live trees containing cavities, and shrub cover. Retain mature trees and minimize use of non-native | | | | | | | | Same mitigation as described for A102 | Same mitigation as described for A102 | | | Same mitigation as described for A102 |

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| | | | | | | | | | landscaping. Minimize recreational development in riparian or wetland habitats. Revegetate areas of disturbed soil with native species. To reduce impacts on woodland communities, design new recreational features and improvements to minimize loss of large trees and special resource areas within the woodland communities. | | | | | | | | | | | | |
| A128 | Historic Properties Management Plan | Programmatic | NA | NI | NA | NI | NA | LTS | NA | NI | LTS | B | LTS | LTS | B | NA | NA | NA | NA | LTS | NI |
| A128 - FERC EIS | Historic Properties Management Plan | Programmatic | NA | NI | NA | NI | NA | LTS | NA | NI | LTS | B | LTS | LTS | B | NA | NA | NA | NA | LTS | NI |
| A129 | Improve and Redirect Recreation Usage to Specific Areas at Foreman Creek (Plan development) | Project | NA | NI | B/LTS | NI | NA | B | B/LTS | NI | NA | B | LTS | LTS | NI | LTS | NI | NA | NA | LTS | NI |
| A129 - FERC EIS | Improve and Redirect Recreation Usage to Specific Areas at Foreman Creek (Temporary closure during Plan development) | Project | NA | NI | LTS | NI | NA | B | B/LTS | NI | LTS | B | LTS | LTS | NI | LTS | NI | NA | NA | LTS | N |
| A132 | Screening of Material Storage Area | Project | NA | NI | NA | NI | NA | NA | B/LTS | NI | NA | NA | LTS | LTS | NI | B | NI | NA | NA | LTS | NI |
| FERC EIS | Re-seed, as necessary, the downstream face of Oroville Dam. [FERC] | Project | NA | NI | NA | NI | NA | NA | NI | NI | NA | NI | LTS | LTS | NI | NI | NI | NA | NA | LTS | NI |

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| APPENDIX B | | | | | | | | | | | | | | | | | | | | | |
| B102 | Development of a Fuel Load Management Plan | | NA | NI | NA | NA | NA | NA | NA | NA | NA | LTS | NA | NA | NA | LTSM | LTSM | NA | LTS | B | |
| B102 Mitigation Measures | Development of a Fuel Load Management Plan | | | | | | | | | | | | | | | Same mitigation as described for A102 | If Fuel Load Management Program includes prescribed burns, the burns would be planned and coordinated with the BCAQMD in accordance with their Rule 309— Wildland Vegetation Management Burning. All prescribed burns would be approved by BCAQMD prior to execution. | | | | |
| B103 | Evaluation of need for Additional Gaging | Project (Visual), Programmatic (Terrestrial-Wildlife) | NA | NI | NA | NI | NA | LTS | NI | NI | NA | NI | LTS | LTS | NI | LTSM | NI | NA | NA | LTS | NI |
| B103 Mitigation Measures | Evaluation of need for Additional Gaging | | | | | | | | | | | | | | If needed, implement measures to avoid, reduce, or compensate for changes to visual resources with partial screening from public view or planting of other vegetation to reduce potential visual impacts. | | | | | | |

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| B107 | Revision of Speed Limit Regulation for Thermalito Afterbay - recommendation by DFG | Programmatic (Air Quality); Project (Terrestrial-Wildlife) | NA | NI | NA | NI | NA | LTS | NI | NI | NI | LTS | LTS | NI | NA | NI | LTS | NA | LTS | NI |
| APPENDIX F | Habitat Expansion Agreement | Programmatic | NA | NA | NA | NA | B | NA | NA | NA | NA | LTS | NA | NA | NA | NA | NA | NA | NA | NA |

Coding:

B = Action with potential to result in a beneficial effect; could involve short-term, less-than-significant, construction related impacts that would be avoided or reduced through the use of Best Management Practices (BMPs).

NA = No Analysis

NI = Action that would result in no impact.

LTS = Action that would result in less-than-significant impact on resource.

LTSM = Action that would result in less-than-significant impact on resource following mitigation.